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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Nobuyuki Takakuwa

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466

7590

02/04/2010

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EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

02/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/530,031	Applicant(s) TAKAKUWA ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 11/04/2009, have been entered and made of record. Claims 21-35 are pending, claims 1-20 are cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 21-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US PG PUB 2007/0286577) in view of Kawamura (US Pat. No. 6, 453, 110) and further in view of Bak (US PG PUB 2005/0031311).

Regarding claim 21, Kato discloses an information record medium on which there are recorded: a series of content information (see paragraphs 0183, 0265, content information is generated); menu information for displaying a menu-screen (see paragraphs 0506, 0534, 0535, and 0556 displaying menu screen) during reproduction of said content information (see paragraphs 0255 and figure 14); and play list information for defining reproduction sequence of said content information by a unit of item, which constitutes said content information and which is accessible upon reproducing (see figure 14, playlist, paragraphs 0257-0258, and 0307-0308),

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said play list information including: item information for specifying each item which constitutes said content information (see paragraphs 0187, 0308 and figure 2) by indicating both of a reproduction start time and a reproduction end time of the item (see paragraphs 0205 and 0576); and slave item information for specifying said menu information as a slave item (see paragraphs 0505-0506 and 0534-0535).

Claim 21 differs from Kato in that the claim further requires menu-screen is superimposed on a display-screen of content information, and the menu information includes information for displaying a button which is displayed in the menu-screen.

In the same field of endeavor Kawamura teaches displaying menu in a superimposed manner (see col. 6 lines 26-36). Kawamura further teaches menu information includes information for displaying a button (see figure 1 menu option button 1, 2, 3...) which is displayed in the menu-screen (see figure 4 which displays the options under menu). See also col. 1 lines 31-42). Therefore in light of the teaching in Kawamura it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato by superimposing menu-screen on a display screen and displaying a button in the menu screen in order for the display device recognize the selection and receive signal easily.

Claim 21 further differs from the above proposed combination in that the claim further requires specifying the menu information as slave item by indicating both of reproduction start time and reproduction end time.

In the same filed of endeavor Bak teaches identifying thumbnail using start and end recording time (see figure 11, paragraphs 0089, 0097, 0102, and claims 5 and 18). Therefore in light of the teaching in Bak it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to modify the above proposed combinations by specifying thumbnails using start and end reproduction time in order to reproduce thumbnail based on navigation information that defines a thumbnail.

Regarding claim 22, Kato discloses menu information is displayed with being superimposed on or in place of one portion of said content information or is not displayed at all (see paragraphs 0506 and 0535).

Regarding claim 23, Kato discloses menu information specified by the slave item information is further recorded in said play list information, as common information commonly used by a plurality of slave items (see paragraphs 0226 and 0230).

Regarding claim 24, Kato discloses there is further recorded reproduction control information for controlling such that said menu information specified by the slave item information is displayed with being superimposed on or in place of one portion of said content information corresponding to said menu information specified by the slave item information or is not displayed at all (see paragraphs 0534-0556).

Regarding claim 25, Kato discloses an information record apparatus, comprising: a first record device for recording a series of content information and menu information for displaying a menu-screen (see paragraphs 0506, 0534, 0535, and 0556 displaying menu screen) during reproduction of said content information (see paragraphs 0255 and figure 14); and a second record device for recording play list information for defining reproduction sequence of said content information by a unit of item, which constitutes said content information and which is accessible upon reproducing (see paragraphs 0190, 0196, 0607 and claim 1 rejection above), said second record device recording said play list information such that said play list information

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includes: item information for specifying each item which constitutes said content information by indicating both of a reproduction start time and a reproduction end time of the item (see paragraphs 0205 and 0576); and slave item information for specifying said menu information as a slave item (see claim 1 rejection above).

Claim 25 differs from Kato in that the claim further requires menu-screen is superimposed on a display-screen of content information, and the menu information includes information for displaying a button which is displayed in the menu-screen.

In the same field of endeavor Kawamura teaches displaying menu in a superimposed manner (see col. 6 lines 26-36). Kawamura further teaches menu information includes information for displaying a button (see figure 1 menu option button 1, 2, 3...) which is displayed in the menu-screen (see figure 4 which displays the options under menu). See also col. 1 lines 31-42). Therefore in light of the teaching in Kawamura it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato by superimposing menu-screen on a display screen and displaying a button in the menu screen in order for the display device recognize the selection and receive signal easily.

Claim 25 further differs from the above proposed combination in that the claim further requires specifying the menu information as slave item by indicating both of reproduction start time and reproduction end time.

In the same filed of endeavor Bak teaches identifying thumbnail using start and end recording time (see figure 11, paragraphs 0089, 0097, 0102, and claims 5 and 18). Therefore in light of the teaching in Bak it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combinations by specifying

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thumbnails using start and end reproduction time in order to reproduce thumbnail based on navigation information that defines a thumbnail.

Claim 26 is rejected for the same reasons as discussed in apparatus claim 25 above.

Regarding claim 27, Kato discloses information reproduction apparatus comprising: a reproduction device (see figure 1 recording and/or reproducing apparatus and unit 28) capable of reproducing said content information, said menu information and said play list information (see rejection of claim 21 above); a displaying and outputting device (see input/output device in figure 1) capable of displaying and outputting said content information and said menu information (see rejection of claim 21 above); and a control device (see controller 23 in figure 1) for controlling said reproduction device to reproduce said content information and said menu information, in accordance with the item information and the slave item information included in said play list information reproduced by said reproducing device (see rejection of claim 21 above).

Regarding claim 28, Kato discloses a buffer memory for maintaining said reproduced menu information in a readily displayable and outputtable condition, for a predetermined period, regardless of whether or not said reproduced menu information is displayed and outputted by said displaying and outputting device (see paragraphs 0506 and 0535, it is inherent that the menu is displayed only for a predetermined time).

Regarding claim 29, the limitation of claim 29 can be found in claims 21 and 25. Therefore claim 29 is analyzed and rejected for the same reasons as discussed in claims 21 and 25 above.

Regarding claim 30, the limitation of claim 30 can be found in claims 21 and 25. Therefore claim 30 is analyzed and rejected for the same reasons as discussed in claims 21 and 25 above.

Regarding claim 31, the limitation of claim 31 can be found in claims 21 and 25. Therefore claim 31 is analyzed and rejected for the same reasons as discussed in claims 21 and 25 above.

Regarding claim 32, Kato discloses a computer readable recording medium recording thereon a computer program for a record control to control a computer disposed at the information record apparatus the said program making the computer function as at least a part of the first record device and the second record device (see paragraphs 0520 and 0583).

Regarding claim 33, Kato discloses a computer readable recording medium recording thereon a computer program making the computer function as at least a part of the reproduction device, the displaying and outputting device and the control device (see figure 54 and paragraphs 0533-0565).

Regarding claim 34, Kato discloses a computer readable recording medium recording thereon a computer program making the computer function as at least a part of the first record device, the second record device, the reproduction device, the displaying and outputting device and the control device (see figure 54 and paragraphs 0533-0565).

Regarding claim 35, the limitation of claim 35 can be found in claim 21. Therefore claim 35 is analyzed and rejected for the same reasons as discussed in claim 21 above.

Conclusion

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ito et al. (US Pat. No. 6,654,031) teaches superimposing menu screen.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
January 26, 2010

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621